

#45592 #919771

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKJOAO BOCK TRANSACTION
SYSTEMS, LLC,

Plaintiff,

-against-

SLEEPY HOLLOW BANK and
JACK HENRY & ASSOCIATES, INC.,

Defendants.

§ Civil Action No. 7:03-cv-10199 (WWE)

§ "ECF CASE"

PLAINTIFF'S NOTICE OF APPEAL

Notice is hereby given that Joao Bock Transaction Systems, LLC ("Plaintiff"), in the above-named case, hereby appeals under Federal Rule of Appellate Procedure 4 (a)(4)(iv) to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action on July 21, 2010 [DE 228] and any and all adverse rulings incorporated in, antecedent to, and/or ancillary to the Judgment. Plaintiff appeals from any and all adverse interlocutory judgments, decrees, decisions, rulings, findings, instructions, and opinions that merged into and became part of the Judgment, that shaped the Judgment, that are related to the Judgment, and/or upon which the Judgment is based. Those adverse interlocutory judgments, decrees, decisions, rulings, findings, instructions, and opinions include, but are not limited to:

- a. Memorandum of Decision on Plaintiff's Motion to Alter or Amend the Final Judgment Pursuant to Federal Rule of Civil Procedure 59(e) [DE 233], entered in this action on December 7, 2010;
- b. All Jury Instructions, Jury Interrogatories, and Special Jury Verdicts entered in this action;
- c. Memorandum of Decision on Defendants' Motion in Limine [DE 177], entered in this action on February 18, 2010;

- d. Honorable Warren W. Eginton's Bench Ruling on Defendants' Motion in Limine to Exclude (1) Testimony on Issues of Law (granted at Transcript of Trial for 03/01/2010, page 5, lines 3-8 and page 7, lines 8-15) and (2) Testimony as to New or Undisclosed Theories of Infringement (granted at Transcript of Trial 03/01/2010, page 7, lines 1-7 and 11-15) [DE 160], entered in this action on March 1, 2010;
- e. Honorable Warren W. Eginton's Bench Ruling on Defendants' Motion in Limine to Preclude Joao from Testifying as One of Ordinary Skill in the Art (denied at Transcript of Trial 03/01/2010, page 5, lines 3-8 and page 6, lines 8-9 and Transcript of Trial 03/02/2010, page 76, lines 4-10) [DE 164], entered in this action on March 1, 2010 and March 2, 2010;
- f. Honorable Warren W. Eginton's Bench Ruling on Defendants' Motion in Limine to Preclude Reference to Patent No. 7,096,003 (granted at Trial Transcript 03/01/2010, page 6, lines 10-17) [DE 166], entered in this action on March 1, 2010;
- g. Honorable Warren W. Eginton's Bench Ruling on Plaintiff's Motion in Limine Concerning Alleged Prior Art (denied at Transcript of Trial 03/01/2010, page 8, lines 1-8) [DE 181], entered in this action on March 1, 2010;
- h. Honorable Warren W. Eginton's Bench Ruling on Plaintiff's Motion in Limine to Exclude the Testimony and Opinions of John Fulton, Concerning Defendants' Obviousness Affirmative Defense, as Summarized in Fulton's "Supplemental" Expert Report (denied at Transcript of Trial 03/01/2010, page 7, lines 16-23) [DE 187], entered in this action on March 1, 2010;
- i. Honorable Warren W. Eginton's Bench Ruling on Plaintiff's Motion in Limine Concerning Invention or Priority Date of the '725 Patent (denied at Transcript of Trial 03/08/2010, page 649, lines 8-13 and page 650, lines 19-23) [DE 194], entered in this action on March 8, 2010;
- j. Honorable Warren W. Eginton's Bench Ruling on Plaintiff's Memorandum of Law in Support of Its Request to Charge the Jury That the Preamble to Claim 108 and Claim 267 Is a Substantive Limitation or Element of Each Claim (denied at Transcript of Trial 03/15/2010, page 2, line 1-page 3, line 7 and Transcript of Trial 03/16/2010, page 27, line 22-page 28, line 22 and page 48, lines 1-18) [DE 203], entered in this action on March 15, 2010 and March 16, 2010;
- k. Decision Construing Disputed Claim Terms (Markman Decision) [DE 36], entered in this action on November 30, 2004;
- l. Second Decision Construing Disputed Claim Terms (Markman Decision) [DE 53], entered in this action on March 3, 2006;

- m. Supplement to Second Markman Decision [DE 58], entered in this action on June 12, 2006;
- n. Amended Supplement to Second Markman Decision [DE 59], entered in this action on June 15, 2006; and
- o. All decisions, rulings, findings, and instructions made during and/or in connection with the March 1, 2010 through March 16, 2010 trial in this action;

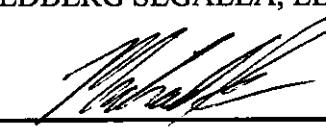
to the extent that those judgments, decrees, decisions, rulings, findings, instructions, and opinions are adverse to Plaintiff.

This Notice may be supplemented if and when a full final transcript of the March 1-5, 8-12, and 15-16, 2010, trial becomes available. Plaintiff first requested copies of the transcript over 9 months ago. To date, despite diligent efforts to obtain the full final transcript, Plaintiff has only received draft transcripts for the March 1-5, 8, and 15-16, 2010 trial dates.

Dated: White Plains, New York
January 6, 2011

GOLDBERG SEGALLA, LLP

by:

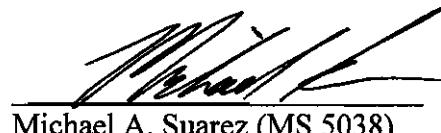

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2011, I hand-delivered *PLAINTIFF'S NOTICE OF APPEAL* to the Clerk of the Southern District Court and sent via 1st Class U.S. Mail to the following attorneys of record:

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